

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend specific sections of Regulation 61-68, Water Classifications and Standards, and Regulation 61-69, Classified Waters. Interested persons are invited to submit their views and recommendations in writing to Jason Gillespie, Water Quality Standards Coordinator, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201 or via email at gillesjl@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on March 25, 2013, the close of the drafting comment period.

Synopsis:

Section 303(c)(2)(B) of the Federal Clean Water Act (CWA) requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years for the purposes of considering the Environmental Protection Agency's (EPA) most recent numeric and narrative criteria and to comply with recent Federal regulatory revisions and recommendations. This process is commonly referred to as the "triennial review" and the Department has prepared this notice of drafting to begin the required triennial review process.

In accordance with the CWA, states are required to adopt numeric criteria for Section 307(a) priority toxic pollutants for which the EPA has published Section 304(a) criteria. EPA has published Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion, EPA 823-R-10-001 (April 2010). The April 2010 document provides guidance for states on how to use the new fish tissue-based criterion recommendation in developing water quality standards for methylmercury and in implementing those standards in NPDES permits. The Department is proposing to adopt the 2001 methylmercury water quality criterion and is soliciting comments on the standard, its implementation and other issues related to the criterion. Depending on the direction taken in adopting the standard and the resulting implementation, Regulation 61-69, Classified Waters, may need to be amended to remain consistent with the amendments in Regulation 61-68, Water Classifications and Standards.

The Department may make other stylistic changes to amend both regulations for internal consistency; clarification in wording; corrections of references, grammatical errors, outlining/codification and such other changes as may be necessary to improve the overall quality of the regulation pursuant to regulation drafting standards required by the Legislative Council.

Legislative review will be required.